

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

DEJAVONTE B.,

Plaintiff,

**5:22-CV-1206
(TJM/ATB)**

vs.

KILOLO KIJAKAZI,

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

Plaintiff brought this action against the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), seeking judicial review of the Commissioner's final decision denying him social security benefits. The Court referred the matter to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

Judge Baxter's Report-Recommendation, filed August 4, 2023, recommends that the Court grant the Commissioner's motion for judgment on the pleadings and deny Plaintiff's motion for judgment on the pleadings. See dkt. # 13. Judge Baxter finds that the Administrative Law Judge assigned to the case properly evaluated the opinion evidence in establishing Plaintiff's Residual Functional Capacity ("RFC"), and thus had substantial evidence to conclude that Plaintiff was not entitled to disability benefits due to

his mental limitations.

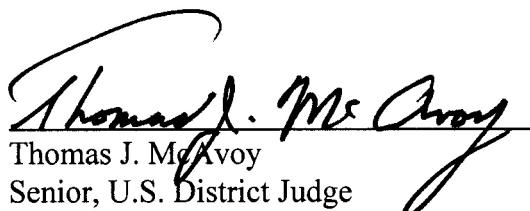
Plaintiff objects to Judge Baxter's recommendation. When a party objects to a magistrate judge's report-recommendation, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the issues raised in Plaintiff's filings, the Court has determined to accept and adopt the recommendations of Judge Baxter for the reasons stated in the Report-Recommendation.

Therefore, Plaintiff's objections to Judge Baxter's Report-Recommendation, dkt. # 14, are hereby **OVERRULED**. The Report-Recommendation is hereby **ACCEPTED AND ADOPTED**. Defendant's motion for judgment on the pleadings, dkt. # 11, is hereby **GRANTED**. Plaintiff's motion for judgment on the pleadings, dkt. # 9, is hereby **DENIED**. The Clerk of Court is directed to **CLOSE** the case.

IT IS SO ORDERED.

Dated: October 6, 2023



Thomas J. McAvoy
Senior, U.S. District Judge